

Case 6:09-cv-01072-AA Document 28 Filed 12/11/12 Page 1 of 1 Page ID#: 470

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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

KENNETH SAMSON,

Case No. 6:09-cv-1072-AA

Plaintiff,

vs.

COMMISSIONER of Social Security,

Defendant.

PLAINTIFF'S MOTION FOR
APPROVAL OF ATTORNEYS
FEES PURSUANT TO
42 U.S.C. § 406(b)

Plaintiff's attorney moves the court for approval of attorneys fees in the amount of \$9,991.00 pursuant to 42 U.S.C. § 406(b). Pursuant to Local Rule 7-1, the parties have conferred regarding this § 406(b) fee matter, and opposing counsel does not oppose this motion. The court should award a fee of **\$9,991.00**, which is a proper and reasonable fee award. This application is submitted within 60 days of receipt of the notice of award by the undersigned attorney.

Respectfully submitted this day, December 4, 2012.

s/ Tim Wilborn
TIM WILBORN, OSB # 944644
(702) 240-0184
Attorney for Plaintiff

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ORDER

COMMISSIONER of Social Security,

Defendant.

Attorney fees in the amount of \$9,991.00 are hereby awarded to Plaintiff's attorney pursuant to 42 U.S.C. § 406(b). The court finds this is a reasonable fee. Previously, this court awarded \$5,080.00, pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the § 406(b) check, the agency is directed to subtract the amount previously awarded under the EAJA, and to send to Plaintiff's attorney **at his current address shown above** the balance of \$4,911.00, minus any user fee. Any amount withheld (including the EAJA fee offset) after all administrative and court attorneys fees are paid should be released to the claimant.

DATED this 11 day of December, 2012.



United States District Judge

Presented by:
s/ Tim Wilborn, OSB # 944644
(702) 240-0184
Attorney for Plaintiff